

UNITED STATES COURT OF APPEALS

JUN 15 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BRADLEY C. SMITH, derivatively on
behalf of Franklin Custodian Funds,

Plaintiff - Appellant,

v.

FRANKLIN/TEMPLETON
DISTRIBUTORS, INC.; et al.,

Defendants - Appellees.

No. 10-17648

D.C. No. 4:09-cv-04775-PJH
Northern District of California,
Oakland

ORDER

Pursuant to the stipulation of the parties, this appeal is voluntarily dismissed.
Fed. R. App. P. 42(b). Costs and fees shall be allocated pursuant to the parties'
stipulation.

A copy of this order sent to the district court shall act as and for the mandate
of this court.

For the Court:
MOLLY C. DWYER
Clerk of the Court

Teresa A. Haugen, Deputy Clerk
9th Cir. R. 27-7/Advisory Note to R. 27
and 9th Cir. R. 27-10